



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Xu  
Serial No.: 10/762,699  
Filed: 22 JAN 2004  
For: METHOD AND APPARATUS FOR ASSESSING  
PERFORMANCE OF OPTICAL SYSTEMS  
Art Unit: 2613  
Examiner: David C. PAYNE  
Confirmation No.: 5251  
Customer No.: 27623  
Attorney Docket No.: 30020369 US-02

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT**

Dear Sir:

In accordance with applicant's duty of disclosure under 37 C.F.R. §1.56, please find attached hereto form PTO-1449 listing information which may be material to the patentability of this application, filed on **January 22, 2004**. This Information Disclosure Statement is being filed:

- \_\_\_ Within three (3) months of the filing date of the national application;
- \_\_\_ Within three (3) months of the date of entry of the national stage as set forth in 37 C.F.R. §1.491 in an international application;
- \_\_\_ Before the mailing date of a first Office Action on the merits;
- XXX** After the filing date or date of first Office Action, but before the mailing date of a final action under 37 C.F.R. §1.113, provided that this occurs prior to the issuance of a Notice of Allowance and provided that this I.D.S. is accompanied by either a certification as specified in 37 C.F.R. §1.97(e) or the fee set forth in 37 C.F.R. §1.17(p);

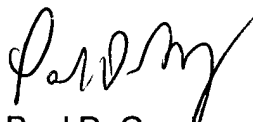
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- \_\_\_\_\_ After the filing date or date of first Office Action, but before the mailing date of a Notice of Allowance under 37 C.F.R. §1.311, provided that this occurs prior to the final action and provided that this I.D.S. is accompanied by either a certification as specified in 37 C.F.R. §1.97(e) or the fee set forth in 37 C.F.R. §1.17(p);
- \_\_\_\_\_ After the mailing date of a final action under 37 C.F.R. §1.113, provided that this occurs prior to the issuance of a Notice of Allowance and provided that this I.D.S. is accompanied by a certification as specified in 37 C.F.R. §1.97(e) and the fee set forth in 37 C.F.R. §1.17(p); and
- \_\_\_\_\_ After the mailing date of a Notice of Allowance under 37 C.F.R. §1.311, provided that this occurs prior to or subsequent to the payment of the Issue Fee and provided that this I.D.S. is accompanied by a certification as specified in 37 C.F.R. §1.97(e) and the fee set forth in 37 C.F.R. §1.17(p).
- \_\_\_\_\_ Filing with RCE Under 37 CFR 1.114, thus no fee is required.

We are also enclosing copies of the non-US publications listed on the attached PTO-1449.

It should be understood that attention has been called to the references that have been deemed to be pertinent to the claimed present invention. In concluding what was pertinent, the criteria employed was considered most appropriate in light of the invention shown in the present application. However, the Examiner or others may deem some other criteria to be just as appropriate or more appropriate. Therefore, the Examiner is respectfully urged to review the listed references and to make the usual careful independent search for other prior art that may be pertinent.

Respectfully submitted,



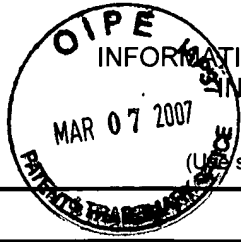
March 5, 2007

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Sheet 1 of 1.

FORM PTO-1449

INFORMATION DISCLOSURE CITATION  
IN AN APPLICATION

(Use several sheets if necessary)

Docket Number (Optional)

30020369 US-02

Application Number

10/762,699

Applicant

Xu

Filing Date

22 January 2004

Group Art Unit

2613

## U. S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE

## FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
						YES	NO
	WO 01/50556	07/12/01	PCT				
	1 326 362	07/09/03	Europe				

## OTHER DOCUMENTS (including Author, Title, Date, Pertinent Pages, Etc.)

	Zhou et al. "Measurements of Very Low Bit-Error Rates of Optical Switches Based on Semiconductor Optical Amplifiers". IEEE Photonics Technology Letters, Vol. 9, No. 8, Aug 1997, pp. 1131-1133.
	GALLOWAY et al. "Rapid Testing of Extremely Low BER". <a href="http://ftp.agilent.com/pub/semiconductor/morpheus/docs/low_ber.pdf">http://ftp.agilent.com/pub/semiconductor/morpheus/docs/low_ber.pdf</a> , Optical Network Interface Design Symposium (ONIDS), Paper 4.

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP §609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.